

**LEAD RENOVATION, REPAIR, AND PAINTING RULE**  
**WORKSITE INSPECTION**

- I. **FACILITY:** ACCORD RESTORATION  
4510 Paxton St, Suite 100.  
Harrisburg, PA17711  
717-564-4000
- II. **DATE OF INSPECTION:** June 17, 2015
- III. **EPA INSPECTOR(S):** SEE Inspector Mark Samolis, *MMA 8-19-15*
- IV. **EPA REGION III, LAND AND CHEMICALS DIVISION (LCD)/TOXICS PROGRAMS BRANCH (TPB)**
- John Armstead, LCD Director
  - Harry Daw, LCD Associate Director for Office of Toxics and Pesticides
  - Aquanetta L. Dickens, Chief, Toxics Programs Branch
- V. **PURPOSE OF INSPECTION:**

The EPA conducted an inspection on June 17, 2015 of Accord Restoration in response to a telephone complaint from Ms. Paula Snively on May 22, 2015. Ms. Snively stated during the phone conversation with the Inspector that Accord Restoration had not followed lead safe work practices while working on her residence located at 412 Ridgeview Rd. South, Elizabethtown PA 17022. The Inspector drove to the worksite that day and took photographs to document the location and activity. The inspection was performed in order to determine Accord Restoration's level of compliance with the Renovation, Repair, and Painting Rule (RRP).

**VI. BACKGROUND INFORMATION:**

The Inspector on May 26, 2015 sent a letter by UPS to Accord Restoration to set up an inspection for June 17, 2015 to determine Accord Restoration's level of compliance with the Renovation, Repair, and Painting Rule. In the letter, Inspector Samolis requested that Accord Restoration, make available for the Inspector the contract for the renovations they performed on the pre-1978 property at the 412 Ridgeview Rd. South, Elizabethtown PA 17022 address and other contracts for the previous year where more than 6 square feet interior or 20 square feet exterior painted surfaces were disturbed on pre-1978 residences or child care facilities. On May 26, 2015 the Inspector also telephoned Accord Restoration to confirm the time and location of the inspection. Mr. Craig Morrison confirmed the time and location and was told he would receive a letter explaining what the inspection would entail.

### Background about the company

A Dun and Bradstreet (D&B) report for Accord Restoration showed that the company was started in 2009, is a branch location with unknown number of employees and income. According to multiple advertising websites Accord Restoration specializes in restorations for insurance companies.

On August 12, 2015 Inspector Samolis checked the Federal Lead Paint Program (FLPP) database to determine if Accord Restoration, is a certified RRP firm. Records show that Accord Restoration was a certified firm at that time with certification number NAT-40273-2 and certified on April 20, 2010 and re-certified on May 27, 2015.

### Information about the Renovation Property

According to <http://itouchmap.com/latlong.html>, the latitude/longitude coordinates for this property address where the renovation was performed on a pre-1978 home are:

1. 412 Ridgeview Rd. South, Elizabethtown PA 17022 built in 1835 40.159398, -76.567785

According to Realquest the property was built in 1835. According to EPA databases, the address is not located in an environmental justice area of concern. According to the Pinnacle Health System, there have been known reports of elevated blood lead levels (EBLLs) for 412 Ridgeview Rd. South, Elizabethtown PA 17022

The owner and landlord of the property is Mr. Richard Snavelly.

### Information about the tip complainant

In her phone conversation with Inspector Samolis on May 22, 2015 Ms. Paula Snavelly stated she and her husband James Snavelly rent the property from Richard Snavelly, her father-in-law and were involved in a legal dispute with him. Ms. Snavelly stated that her insurance company had hired Accord Restoration to make repairs to 412 Ridgeview Rd. South after a fire had started in an upstairs room. She stated that one of her children had an EBL of 33 ug/dl prior to the fire and she had a risk assessment performed because of the EBL and was very concerned about her unborn child and three (3) other children's safety. She stated that initially some RRP procedures were being performed but that the workers hadn't put any plastic down on the floors and barriers between rooms were falling down or not being put up allowing dust to spread throughout the house. The furnishings in other sections of the house were not being covered. The stairs had not been covered with a protective barrier as described in her risk assessment. A rug with dust, still underneath, was put directly over the lead based paint. The painter removed a door from the dumpster and sanded/scraped it next to the dumpster.

Inspector Samolis sent a declaration to Ms. Snavelly that day by email asking her to provide written testimony regarding the violations observed and any other information to support her allegations. Ms. Snavelly returned a completed declaration on May 28, 2015 with sixty photographs allegedly showing dust and paint chips throughout the house and property, several risk assessment reports and two (2) plus pages of additional comments with a chronology of events.

## **VII. WORKSITE INFORMATION:**

On May 22, 2015 the Inspector drove to the Snavelly's residence at 412 Ridgeview Rd. South, Elizabethtown, PA. After getting Ms. Snavelly to sign *the Notice of Inspection and Consent for Access* form, Inspector Samolis took several photographs from the street, their yard and the kitchen doorway to document the activity. There was a worker from Accord Restoration painting the kitchen. The Inspector asked him if he would answer some questions. The gentleman refused to answer any questions telling the Inspector he was just a laborer, call the office.

## **VIII. INSPECTORS OBSERVATIONS:**

During the inspection at 412 Ridgeview Rd. South, Elizabethtown PA 1702, the Inspector made the following observations:

1. There was an uncovered dumpster in the yard with both bagged and unbagged debris photos 6, 7 & 8
2. There were paint chips/plaster near the dumpster, in the yard and under a kitchen window photos 5, 9, 10 & 11
3. There were no barriers in place photos 2, 3, 12
4. There were no warning signs visible photos 2, 3, 12

## **IX. OPENING CONFERENCE:**

On June 17, 2015 at approximately 9:00 AM, Inspector Mark Samolis arrived at the office of Accord Restoration, to conduct an inspection to determine Accord Restoration's level of compliance with the RRP Rule. Upon arrival, the Inspector introduced himself and presented his credentials to Mr. Craig Morrison, Vice President of Accord Restoration, and explained the purpose of his visit. The Inspector asked Mr. Morrison if he was the person authorized to give consent to the inspection. Mr. Morrison stated that he was in fact the appropriate person to consent to the inspection and sign on behalf of Accord Restoration. Once this was established, Inspector Samolis presented and explained the *Notice of Inspection Form* and the *Confidential Business Information Form* to Mr. Morrison. Mr. Morrison read the forms and both the Inspector and Mr. Morrison signed the forms. Mr. Morrison had no questions about the forms.

After these forms were presented and signed, Inspector Samolis proceeded to explain that

the purpose of the inspection was to determine Accord Restoration's, level of compliance with the RRP Rule. The Inspector also indicated that, as part of the inspection, he would be requesting to see the contract and/or statements of work for renovations performed at the 412 Ridgeview Rd. South, Elizabethtown PA address. The Inspector stated that he would be looking to identify where Accord Restoration, documented compliance with the various provisions of the Renovation, Repair, and Painting Rule (e.g. work practice standards, pre-Renovation Education, renovator and firm certifications, etc.). Mr. Morrison stated that he was aware of the RRP requirements and that he was the Certified Renovator overseeing the job.

Inspector Samolis asked Mr. Morrison if Accord Restoration is a certified firm. Mr. Morrison answered that Accord is a certified firm and provided a copy of the certification. Inspector Samolis asked if any of the other workers performing renovations are certified. Mr. Morrison provided his *Renovator Certification* and certifications for three (3) other employees.

Inspector Samolis then asked Mr. Morrison background questions about Accord Restoration. Mr. Morrison's responses to the Inspector's questions were: the owner of the company is Frank Newshick, they have an agent Mr. Darren Dinello, any estimator can sign contracts and Ms. Jen Harris maintains the records; Accord had been in business since October of 2004; that they have around thirty employees; that he does occasionally use subcontractors for HVAC, major plumbing and electrical repairs but uses them only after cleaning verification is complete after demolition; that they acquire jobs through insurance referrals, word of mouth and advertising through their marketing department; that the gross income for this division would be around \$5,000,000; almost all of his work was in the surrounding counties around Harrisburg PA and that he did about 300 jobs per year of which 90 percent were emergency renovations involving fire with about 5 percent being on pre-1978 housing requiring RRP procedures and the scope of work is insurance company directed emergency renovations.

Inspector Samolis asked if there was a receipt for handing out the *Renovate Right* pamphlet and whether a *check off* list is used during renovations. Mr. Morrison replied that they do have a receipt and use a checklist, and provided a copy of the ones for the Snively residence. The Inspector then asked if there were any training records available. Mr. Morrison responded that they do verbal training.

The Inspector asked about the work practice procedures used on the job. Mr. Morrison stated that they followed all work practices required by RRP after the emergency end of the renovation was completed. The Inspector asked if plastic was put down and whether they documented any of the work with any photographs. Mr. Morrison said that they had photographs on his computer, some before and others during the renovation, one showing that the dust Ms. Snively was complaining about was sawdust from new wood and that the dust recently complained about was from sanding the new drywall compound. The Inspector asked if Mr. Morrison could have a representative sampling of his photographs printed. Mr. Morrison provided two (2) photographs showing conditions of the stairway and area around a window

before the renovation activity started, two (2) showing demolished walls and ceiling, four (4) showing warning signs and plastic up on a doorway and one (1) showing sawdust on an outdoor porch. Mr. Morrison stated that he could send more photos if needed by email. None showed plastic being down. The Inspector then asked about why the steps in the kitchen weren't covered up with luan or plastic as requested in the risk assessment provided by the Snavelys. Mr. Morrison stated that they HEPA vacuumed the steps and put down carpeting, anything else wasn't in the contract and the Snavely's never gave him a copy of any report. The Inspector then asked why plastic in the doorways was falling down between rooms or not put up. Mr. Morrison stated that they had plastic up when painted surfaces were disturbed but not afterwards when RRP procedures were finished and drywall was installed. Mr. Morrison commented that perhaps Mr. or Mrs. Snavely knocked them down when they entered the house despite the warning signs. The Inspector asked how much painted surface was disturbed on this job. Mr. Morrison pulled out a calculator and responded 517 square feet during the emergency part of the renovation and 1283 square feet afterwards. Inspector Samolis then asked about paint chips being in the yard, under a kitchen window where debris was thrown out that window and around the dumpster. Mr. Morrison responded that if any debris was thrown out the window it was pieces of new drywall and that all debris containing lead based paint was bagged and taped as required by RRP. The Inspector asked about the painter removing, scraping and sanding a door next to the dumpster. Mr. Morrison stated that the painter took a door home but denied scraping or sanding while there. Mr. Morrison then stated that Mr. Richard Snavely had the locks changed recently so that his son and daughter-in-law could not enter the property until the job was finished.

#### **X. REVIEW OF FILES/AVAILABLE DOCUMENTS:**

Because this initiated as a work-site inspection, Inspector Samolis requested the contract involved for that site. Mr. Morrison stated that they hadn't done any other contracts in the last year where RRP had to be followed. The Inspector inquired if this was a complete contract and Mr. Morrison responded that it was. The Inspector inquired if any children were living in the building. Mr. Morrison stated that Ms. Snavely has three (3) children but neither they nor Mr. and Mrs. Snavely were in the building during the restoration process. However, he understood that Mr. Snavely would enter the property from time to time after they left.

#### **RENOVATION CONTRACTS:**

	<u>ADDRESS</u>	<u>CONTRACT DATE</u>	<u>YR BLT</u>
1	412 Ridgeview Rd. South, Elizabethtown PA 17022	3/11/2015	1880

#### **XI. CLOSING CONFERENCE:**

After all transaction documents were copied and recorded on the *Receipt for Documents* Form, Inspectors Samolis and provided a copy of the *Receipt for Documents Form* to Mr. Morrison which Mr. Morrison and Inspector Samolis signed. The Inspector gave Mr. Morrison a compliance package and briefly explained the contents. The Inspector explained that he could use the EPA logo on his paperwork and vehicles. The Inspector explained that the receipt for handing out *Renovate Right* and the *check off list* is the proof that renovators have followed RRP procedures and both should be kept in the files for three (3) years. Inspector Samolis asked Mr. Morrison if he had any additional questions. Mr. Morrison asked when he might receive word about the outcome of the inspection. The Inspector stated that he would have to write the report and a compliance officer would review it. Mr. Morrison had no further questions and shook the Inspector's hand and thanked him for his explanations. The Inspector left the office of Accord Restoration at approximately 10:00 AM.